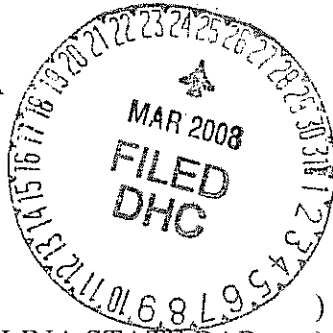


NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF
THE NORTH CAROLINA STATE BAR
08 DHC 8

THE NORTH CAROLINA STATE BAR,
Plaintiff,

v.

ROBERT BROWN, JR., Attorney,
Defendant.

COMPLAINT

Plaintiff, complaining of defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the rules and regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Robert Brown, Jr. ("defendant") was admitted to the North Carolina State Bar in 1975, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the rules and regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. At all relevant times pertaining to the events in this complaint, defendant served as the appointed public defender for Durham County.

4. Defendant was appointed the Public Defender for Durham County in 1990 and was reappointed in 1994, 1998 and 2002.

5. In his role as Public Defender for Durham County, defendant functioned as the director and highest policy maker for the Durham Public Defender's Office, directly supervising all attorneys and staff with the ultimate authority to hire, fire, and discipline all employees in his office.

FIRST CLAIM FOR RELIEF

6. Paragraphs 1-5 are re-alleged and incorporated as if fully set forth herein.

7. Janice Ingram ("Ingram") was employed by defendant on March 8, 2005 to work at the Durham County Public Defender's Office as a paralegal.

8. At the time of her employment, Ingram was a 29-year-old woman who was divorced and the mother of two young children.

9. At the time she was hired by defendant, Ingram was enrolled as a student at Durham Technical College with the expectation of obtaining a degree in medical office administration in May 2006.

10. Defendant interviewed Ingram and hired her for the position. At the time he offered her the job, defendant informed Ingram that he would allow her to work a flexible schedule so that she could continue to attend classes and also take care of the needs of her two young children.

11. Throughout her employment, Ingram met the expectations of her position.

12. Ingram was made a permanent employee of the Public Defender's Office after a customary probation period.

13. Approximately two weeks after her employment began, defendant began engaging Ingram regularly in inappropriate personal conversations.

14. Defendant made promises to Ingram about how he could help her personal and professional life and how he could do favors for her.

15. Defendant frequently called Ingram into his office, closed the door and asked her to sit close to him and keep her there for long periods while he talked about non-work related matters.

16. Defendant frequently told Ingram that he could help her if she would "trust him."

17. Defendant frequently remarked to Ingram that it must be difficult for her to take care of her school and work responsibilities along with the responsibilities of raising her children and told her how hard it would be for her to find other employers that would let her work flexible hours.

18. Defendant frequently told Ingram that he wanted to help her and her children, including giving Ingram and her children gifts such as a computer.

19. Defendant promised Ingram he would promote her and give her pay increases if she would "trust me."

20. Defendant did favors for Ingram including allowing her to bring her children to work on weekends and buying Ingram and her children food and DVDs.

21. Defendant insinuated to Ingram that he wanted more from Ingram than a working relationship, including making comments to Ingram about how he would "help her if she would help him."

22. Soon after the events described in paragraph 21 above, defendant began behaving toward Ingram in ways that were sexually inappropriate.

23. Defendant touched Ingram inappropriately by putting his arm around her shoulder or waist and massaging her shoulders often for several minutes at a time.

24. On one occasion defendant touched Ingram's breasts.

25. Defendant often talked about Ingram's physical appearance in particular her breast size.

26. Defendant asked Ingram for kisses to show that she was thankful for the things that he was doing for her.

27. Defendant gave Ingram his cell phone number and asked her to call him.

28. Defendant frequently called Ingram after Ingram left work.

29. In telephone conversations usually initiated by defendant, defendant asked Ingram to talk about her sexual preferences and whether she was sexually involved with anyone.

30. In most of the telephone conversations between defendant and Ingram, defendant talked about his sex life, sexual preferences and sexual partners.

31. Defendant's conduct described above occurred on an almost daily basis over a period of approximately eight months.

32. Ingram responded to defendant's inappropriate behavior by trying to avoid contact with defendant, pulling away if he touched her, not responding to his sexual comments and trying to change the subject when he made inappropriate comments.

33. After Ingram began trying to avoid defendant's behavior, defendant began taking actions against her such as giving her a heavier workload with additional duties she had not been hired to do.

34. When Ingram complained about her increased work load, defendant told her "if you call me, things would be easier."

35. In early November 2005, Ingram was at work during the weekend when defendant came into her office, called her into the hallway, away from her children, leaned against her, and touched her in a sexually inappropriate manner.

36. Ingram tried to grab defendant's hand to stop him but was unable to remove his hand.

37. Ingram told defendant to stop and threatened to scream if he did not remove his hand.

38. After the incident described in paragraphs 35-37, defendant took additional adverse actions against Ingram, including immediately placing her under the supervision of an employee several months more junior than Ingram.

39. Defendant's assault in early November 2005 against Ingram constitutes a criminal act as well as sexual harassment.

40. Defendant's earlier actions in touching Ingram's person also constitute the offense of assault on a female.

41. Defendant's physical contact with Ingram was inappropriate and non-consensual.

42. Defendant's conduct described above occurred at the work place, in defendant's role as Ingram's supervisor, while defendant was obligated to perform his duties as Public Defender and during hours when Ingram was trying to perform her job responsibilities.

43. Defendant interfered with Ingram's abilities to perform her job by his sexual harassment of her in the work place.

THEREFORE, plaintiff alleges that defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Revised Rules of Professional Conduct as follows:

a. Defendant violated Rule 8.4(b) by committing a criminal act that reflects adversely on his fitness as a lawyer in that he committed an assault against Ingram in early November 2005;

b. Defendant violated Rule 8.4(b) by committing a criminal act that reflects adversely on his fitness as a lawyer in that, on more than one occasion, he committed the offense of assault on a female against Ingram; and

c. Defendant violated Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice by sexually harassing Ingram, an employee of the Public Defender's office whom defendant supervised, and by engaging in conduct that brought the office of the Public Defender into disrepute.

SECOND CLAIM FOR RELIEF

44. Paragraphs 1-43 are re-alleged and incorporated as if fully set forth herein.

45. Rachael Allen ("Allen") was hired to work as a legal assistant by the Durham County Public Defender's Office on August 19, 2005.

46. At the time of her employment, Allen was a 30-year-old woman who was a single mother.

47. At the time she was hired, Allen was enrolled as a student at Durham Technical College.

48. Defendant hired Allen.

49. At the time defendant offered Allen a job he informed Allen that he would allow her to work a flexible schedule so that she could continue to attend classes and also take care of the needs of her children.

50. Throughout her employment Allen met the expectations of her position.

51. Shortly after the employment began, defendant began to call Allen into his office, close the door, tell Allen to sit next to him, ask Allen about her personal life and tell her he would "be loyal to you if you'll be loyal to me."

52. Soon after Allen's employment began, defendant began behaving towards Allen in ways that were sexually inappropriate.

53. Defendant touched Allen inappropriately by putting his hand around her waist, putting his hand on her stomach and/or stroking her stomach and massaging her shoulder and back.

54. At the work place defendant touched Allen's breasts.

55. On one occasion in the work place defendant sucked Allen's breasts.

56. Defendant often talked about Allen's physical appearance including remarks about her figure, her bra size, her buttocks and how attractive he found her.

57. Defendant frequently asked Allen about sex, including when she last had sex and whether she had oral sex with men.

58. Defendant's inappropriate actions as described above occurred frequently.

59. Allen responded to defendant's behaviors to try and stop or avoid them including telling him to stop, trying to avoid contact with him, not going into his office, and asking other women to walk with her to the garage, pulling away if he touched her, not responding to his sexual comments and trying to change the subject.

60. Defendant's conduct described above occurred at the work place, in defendant's role as Allen's supervisor, while defendant was obligated to perform his duties as Public Defender and during hours when Allen was trying to perform her job responsibilities.

61. In mid-October 2005, defendant called Allen at her home in the evening after work and after her children had gone to sleep. Defendant asked Allen if he could come to her home.

62. After he arrived at Allen's home, defendant told Allen that he would like to see her in the nude. Allen told defendant that she could not remove her clothing because her children were in the house.

63. Brown repeated his request to see Allen in the nude.

64. Allen left the living room, checked to make sure that her children were asleep and returned to the living room wearing only a white robe.

65. Defendant then touched Allen's body and genitalia and performed oral sex on her.

66. Defendant unzipped his pants and asked to have sex with Allen.

67. Allen told defendant to leave and that she was not going to have sex with him.

68. After the events described in paragraphs 61-67 above, defendant began taking adverse actions against Allen, including placing Allen under the supervision of an employee who had only one week more experience than Allen and increasing Allen's workload.

69. In the incidents that occurred in the office, defendant touched Allen's person without her consent.

70. Defendant's physical contact with Ingram in the office constituted the criminal offense of assault on a female.

71. Defendant's physical and sexual contact with Ingram in her home was without her willful consent in that Ingram was not able to resist defendant's advances without risk to her continued employment.

72. Defendant interfered with Allen's ability to perform her job by his sexual harassment towards her in the work place.

THEREFORE, plaintiff alleges that defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Revised Rules of Professional Conduct as follows:

a. Defendant violated Rule 8.4(b) by committing a criminal act that reflects adversely on his fitness as a lawyer in that he, on several occasions, committed assaults on a female against Allen; and

b. Defendant violated Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice by sexually harassing Allen, an employee of the Public Defender's office whom defendant supervised, and by engaging in conduct that brought the office of the Public Defender into disrepute.

THIRD CLAIM FOR RELIEF

73. Paragraphs 1-72 are re-alleged and incorporated as if fully set forth herein.

74. In February 2005, Danielle Bruno ("Bruno") was employed by the Durham County Public Defender's Office as an assistant public defender.

75. Defendant interviewed Bruno and hired her for the position as an assistant public defender.

76. At the time of her employment, Bruno was a 32-year old woman.

77. At all times related in this complaint defendant was Bruno's supervisor.

78. Throughout her employment with the Durham Public Defender's Office Bruno met the expectations of her position.

79. Approximately one month after Bruno started her job defendant called her into his office and told her that she was too nervous and that if she couldn't be comfortable around him she would not be able to keep her job.

80. Shortly after the conversation described in paragraph 79, defendant instructed Bruno to come into his office to discuss her duties.

81. During the ensuing conversation, defendant spoke to Bruno about "trusting him" and discussed personal matters beyond Bruno's duties as an assistant public defender.

82. During the next seven months, defendant continued on a regular basis to behave towards Bruno in ways that were sexually inappropriate.

83. Defendant asked Bruno her bra size.

84. Defendant told Bruno that she was attractive.

85. Defendant asked Bruno to turn around so that he could look at her body.

86. Defendant asked Bruno explicit questions of a sexual and private nature such as whether she was virgin when she married her husband and what her sexual experiences had been like.

87. On one occasion defendant told Bruno he wanted to go with her on a trip out of state.

88. Defendant frequently called Bruno into his office and closed the door in order to have the conversations described above.

89. Defendant sat in a chair close to Bruno as he talked to her so that Bruno justifiably feared that he would try to touch her inappropriately.

90. During the conversation described above, defendant made statements to Bruno including, but not limited to "if you're not comfortable here you won't do well," "things will be easier for you here if we get along," and "you have to trust me."

91. Defendant's actions described above occurred several times a week over a seven month period.

92. On one occasion defendant gave Bruno a detailed account of a sexual experience he had many years earlier.

93. Bruno responded to defendant's behavior by trying to stop or avoid defendant, including telling defendant she did not like the way he was talking, trying to avoid contact with defendant, asking to have her office moved away from defendant's office, avoiding going into defendant's office and asking other women to interrupt the conversations when defendant called her into his office.

94. On or about October 12, 2005, Bruno discussed with defendant Bruno's interest in being given a permanent position that had become available with the Public Defender's Office.

95. Defendant told Bruno that "she had three days to be his friend" if she wanted the permanent position.

96. Bruno wanted the permanent position but was offended and frightened by defendant's response to her expression of interest in the permanent position.

97. After the October 12, 2005 conversation, Bruno avoided defendant.

98. On or about October 17, 2005, defendant awarded the permanent position to another temporary employee who had less seniority and experience than did Bruno.

99. Defendant's conduct described above occurred at the work place, in defendant's role as Bruno's supervisor, while defendant was obligated to perform his duties as Public Defender and during hours when Bruno was trying to perform her job responsibilities.

100. Defendant interfered with Bruno's ability to perform her job by his sexual harassment toward her.

THEREFORE, plaintiff alleges that defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Revised Rules of Professional Conduct as follows:

a. Defendant violated Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice by sexually harassing Bruno, an employee of the Public Defender's office whom defendant supervised, and by engaging in conduct that brought the office of the Public Defender into disrepute.

FOURTH CLAIM FOR RELIEF

101. Paragraphs 1-100 are re-alleged and incorporated as if fully set forth herein.

102. In addition to Ingram, Allen and Bruno, defendant engaged in a pattern of non-consensual touching and sexually suggestive verbal remarks and comments towards other employees in the Public Defender's office whom he supervised.

103. Defendant interfered with the other employee's ability to perform their jobs by his sexual harassment of them.

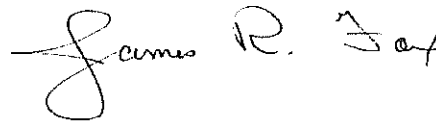
THEREFORE, plaintiff alleges that defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Revised Rules of Professional Conduct as follows:

a. Defendant violated Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice by sexually harassing employees of the Public Defender's office whom he supervised, and by engaging in conduct that brought the office of the Public Defender into disrepute.

WHEREFORE, plaintiff prays that:

1. Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. §84-28 (a) and §.0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B §.0114), as the evidence on hearing may warrant;
2. Defendant be taxed with the costs permitted by law in connection with this proceeding; and
3. For such other and further relief as is appropriate.

This the 25 day of march, 2008.

A handwritten signature in cursive script that reads "James R. Fox".

James R. Fox, Chair
Grievance Committee

A handwritten signature in cursive script that reads "William N. Farrell".

William N. Farrell, Jr.
Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611